

# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA)

Application Number	09/864,309
Filing Date	May 25, 2001
First Named Inventor	Shigeyuki UZAWA et al.
Group Art Unit	2125
Examiner Name	R. A. Jarrett
Attorney Docket Number	00862.022239

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on April 26, 2004.  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other: \_\_\_\_\_
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Preliminary Remarks

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☒ Other: Applicants petition the Examiner to extend the time for response to the Final Office Action dated February 26, 2004, one month from May 26, 2004, up to and including Monday, June 28, 2004, and submit \$110.00.

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge any deficiencies in the following fees, or credit any overpayments, to Deposit Account No. 06-1205
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other: \_\_\_\_\_
- b. ☒ Checks in the amounts of \$770.00 and \$110.00 are enclosed to cover the RCE filing fee and the extension of time fee, respectively.
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Steven E. Warner	Registration No. (Attorney/Agent)	33,326
Signature		Date	June 28, 2004

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents, Box RCE, Washington, DC 20231.

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01 FC:1801  
02 FC:1251

770.00 OP  
110.00 OP



00862.022239

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	:	Examiner: R. A. Jarrett
Shigeyuki UZAWA et al.	)	
	:	Group Art Unit: 2125
Application No.: 09/864,309	)	
	:	Confirmation No.: 2803
Filed: May 25, 2001	)	
	:	
For: EXPOSURE APPARATUS, COATING/	)	June 28, 2004
DEVELOPING SYSTEM, DEVICE	:	(Monday)
MANUFACTURING SYSTEM, DEVICE	)	
MANUFACTURING METHOD,	:	
SEMICONDUCTOR MANUFACTURING	)	
FACTORY, AND EXPOSURE APPARATUS	:	
MAINTENANCE METHOD	)	

PRELIMINARY REMARKS

Sir:

Applicants request favorable reconsideration and allowance of the above-identified application in view of the following remarks.

Claims 48-62 are presented for consideration. Claim 48 is the sole independent claim. Applicants submit that the pending claims patentably define features of the subject invention, at least for the reasons set forth in the Request for Reconsideration After Final Action filed on April 26, 2004.

Applicants respectfully traverse the Examiner's comments set forth on the continuation page of the Advisory Action dated June 2, 2004. In those remarks, the Examiner asserts that Applicants argue that the exhaustor of U.S. Patent No. 6,319,322 to

Ueda et al. is not capable of creating a vacuum inside of the port section. In response, the Examiner asserts that a dictionary definition of an exhaust is “to create a vacuum in.” The Examiner goes on to state that Applicants also argue that the Ueda et al. patent does not disclose the supply of an inert gas (noble gas), but rather, a clean gas (air). In response, the Examiner asserts that independent claim 48 is an apparatus claim, and the Examiner takes the position that “supplying an inert gas” is a functional limitation. In this regard, the Examiner further contends that the supply mechanism of Ueda et al. is capable of supplying a noble gas. Applicants respectfully submit that the Examiner is analyzing Applicants’ invention by piecemeal, rather than considering Applicants’ invention as a whole.

Regarding the exhaust in the Ueda et al. patent, Applicants direct the Examiner’s attention to the discussion at column 9, lines 55-58, of that patent, which describes the interface section 12 as being naturally exhausted, to be under normal pressure, whereas the inside of the aligner is under positive pressure by the clean gas supplied from the outside. Applicants submit, therefore, that the Ueda et al. patent merely sets forth that a pressure inside of the interface section 12 is made to be a normal pressure (that is, atmospheric pressure), rather than made to be in a vacuum or to provide a pressure space lower than an atmospheric pressure space, as suggested by the Examiner.

Still further, the entire discussion of Figure 12 (which had earlier been referenced by the Examiner), at column 11 and 12 of the Ueda et al. patent, sets forth that first gas supply section 410 is provided for supplying temperature regulated clean gas (air) to the

aligner 200, and second gas supply section 411 is provided for supplying temperature regulated clean gas (air) to the developing unit (DEV). Applicants note that this discussion is directed to air, and not to an inert gas, as in the present invention. Further, exhaust port 415 is provided at the lower part of the first chamber 413 and an exhaust port 416 is provided at the lower part of the second chamber 414. To the exhaust ports 415 and 416, an exhauster 417 is connected, and the first and second chambers 413 and 414 are exhausted by the exhauster 417. See column 12, lines 7-12 of the Ueda et al. patent. Applicants submit that nowhere in the Ueda et al. patent is it discussed that the exhauster 417 creates a vacuum, as suggested by the Examiner.

Still further, at column 12, lines 31-45, the Ueda et al. patent discusses that a wafer is placed in the same circumstances (that is, temperature and humidity) as that at exposure or development. Notably silent is any discussion with respect to pressure, which would otherwise suggest something other than atmospheric pressure. That discussion being silent, Applicants respectfully submit that the pressure in the Ueda et al. patent is at atmospheric pressure. Hence, no vacuum is created, in the manner of the present invention.

Applicants earnestly believe that conducting a personal interview with the Examiner will expedite prosecution. Accordingly, Applicants' representative will contact the Examiner in the near future to schedule such an interview. Should the Examiner pick this case up for action prior to being contacted, Applicants request that the Examiner contact their undersigned representative to schedule such a personal interview.

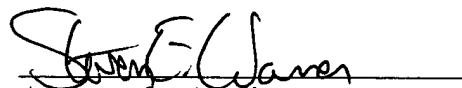
For the foregoing reasons, Applicant submits that the present invention, as recited in independent claim 48, is patentably defined over the cited art.

Dependent claims 49-62 also should be deemed allowable, in their own right, for defining other patentable features of the present invention in addition to those recited in their respective independent claims. Further individual consideration of these dependent claims is requested.

Applicants further submit that the instant application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the above-noted Office Action and an early Notice of Allowance are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.

Respectfully submitted,

  
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